Carnegie Foundation Offers Plan for High-School Reform

Continued from Page 1

"We believe the preferred arrangement is to have bigness *and* smallness—a broad education program with supportive social arrangements," Mr. Boyer writes.

The Carnegie Foundation strongly endorses the concept of free, public education. "It is in the public school that this nation has chosen to pursue enlightened ends for all its people. And this is where the battle for the future of America will be won or lost," Mr. Boyer asserts. The study was released late last week.

Arguing that a primary purpose of schooling is the development of students' "understanding of their civic and social responsibilities," the foundation proposes "a new Carnegie Unit" that would require all students to participate in some form of community service.

The theme of the report, Mr. Boyer writes, is "quality in education." But he warns that "in the great debate about public schools, equity must be seen not as a chapter of the past, but as the unfinished agenda of the future. To expand access [to schooling] without upgrading the schools is simply to perpetuate discrimination in a more subtle form."

It is vital, therefore, to focus now on improving the schools, according to Mr. Boyer. But to do so "in ways that ignore the needs of less privileged students is to undermine the future of the nation," he warns.

Mr. Boyer also suggests in the report that the failure of many students to learn in school today is not solely, or even primarily, the result of weaknesses in the schools themselves. Rather, he says, the cause lies in a broader failure of society to contribute to the mission of the schools.

"Only by deepening support can schools improve," Mr. Boyer writes, adding that "a report card on public education is a report card on the nation."

As a result, the foundation recommends that parents, universities, and representatives from business work much more closely with the schools from now on.

Mr. Boyer said last week that the study, entitled *High School: A Report on Secondary Education in America*, offers a view of the condition of the nation's schools different from that of the National Commission on Excellence in Education, which several months ago concluded that there is "a rising tide of mediocrity" within the schools.

He said in an interview that, on the contrary, "serious efforts at reform" now under way in many states are "causing the tide of mediocrity to recede."

Poor Leadership

Nonetheless, Mr. Boyer criticized public high schools for poor leadership, a misfocused curriculum, and a climate not conducive to learning. Many of the foundation's recommendations address these issues, he said.

Distinguishing its viewpoint from that of the current Administration, the Carnegie report argues for what Mr. Boyer described last week as an "active," though "modest," role for the federal government in improving the performance of the country's 16,000 high schools.

The foundation recommends, for example, that more money be allocated to the Chapter 1 program for disadvantaged students and that the government establish a "School Building and Equipment Fund," in the spirit of the Higher Education Facilities Act of 1963, to help rebuild schools and science laboratories.

It also recommends that the government pay, through a "National Teacher Service," for college scholarships to high-school students who agree to teach for three years in the public schools.

Asked whether the Reagan Administration is doing an adequate job of leading the current efforts to reform the schools, Mr. Boyer said: "So far, there has not been an adequate national response, and the signals for the future are unclear and in the main not very encouraging."

The report took three years to complete and included an extended investigation, by teams of 25 educators, of 15 schools across the nation with varying characteristics.

The Carnegie Foundation will use a $1.8-million grant from the Atlantic Richfield Foundation to make awards in coming months to help implement its proposed reforms.

Two types of grants will be made, according to Mr. Boyer.

A number of $1,000 planning grants will be made to principals who wish to study ways of upgrading their schools.

Fewer grants of between $35,000 and $100,000 will be made to schools to implement the reforms proposed in the report.

The grants will be administered by the National Association of Secondary School Principals.

The foundation has also produced a one-hour film report based on its study that will be aired on the Public Broadcasting System on Nov. 30.

The greatest number of the foundation's recommendations are intended to improve the teaching in high schools. In addition to the proposals that new teachers be required to earn a degree in the subject they will teach and that the federal government fund a scholarship program for bright students who go into the profession, the foundation recommends that all new teachers spend their first year as "apprentices," teaching part time under the tutelage of experienced colleagues, and taking courses in pedagogy that focus on such things as learning theory and the teaching of writing.

It also recommends the establishment of a "career ladder" to reward top teachers and the recognition of excellence in teaching through such programs as a "Teacher Travel Fund" and a "Summer Study Term." Currently, the lack of such rewards, and other "day-to-day conditions, are killing the profession," Mr. Boyer said last week.

Mistaken View

"The nation has mistakenly come to view the S.A.T. as a reliable report card on the nation's schools," Mr. Boyer writes. Moreover, he adds, "the S.A.T. is not very helpful in predicting how a student is likely to do in college."

The foundation is also critical of school administrators. Inadequate training of principals, the lack of a clear mission for the schools, and a lack of decision-making authority at the school level, Mr. Boyer writes in the report, has created "a crisis of leadership" within the high schools, a condition that "seriously undermines" their effectiveness.

To rectify the situation, he proposes that all candidates for principalships earn a liberal-arts degree, complete his recommended teaching apprenticeship, teach for at least two years, earn an advanced degree in administration, complete a one-year "administrative internship," and work for two years as an assistant principal before assuming a full principalship.

Asserting that "school leadership is crippled by layer upon layer of administration," the foundation further recommends decentralization of staffing and budgetary decisions to allow school-level administrators more autonomy.

The recommendation of a core curriculum is made in part, Mr. Boyer writes, because the typical high school is "adrift" without "a clear mission," and in part because the stigma that academic tracking often attaches to students in vocational and other programs must be eliminated, in the foundation's view.

But Carnegie's proposed curriculum, which includes courses in civics, non-Western studies, and a foreign language, is also intended, Mr. Boyer said, to prepare students for "a rapidly changing world."

"If education cannot help students see beyond themselves and better understand the interdependent nature of our world, each new generation will remain ignorant and its capacity to live confidently and responsibly wil be dangerously diminished," he writes in the report.

Mr. Boyer said the likelihood of substantial reform in the schools depends on an agreement among policymakers on "practical moves" that can be taken immediately. "Unfortunately," he said, "I don't see many themes that people are getting behind. The debate so far has been politically motivated and focused on merit pay, with the President and the unions attacking each other. The public has been left out of it."

Oregon Districts Fight To Pass Tax Levies

Continued from Page 9

ample, would have raised revenues from property taxes by 12 percent, but would not have provided 12 percent more dollars for schools, Mr. Austin says, noting that since the property-tax share of support for schools has increased, tax levies get higher, but schools do not receive more money.

Noting that other hard-pressed states, such as Michigan, have had unprecedented success with local school levies this summer, Mr. Austin argued that "the recovery has hit other states faster than ours. This is timber country, and housing just has not rebounded."

The increase in property taxes is also spurring an outcry for a tax-limitation measure patterned after California's Proposition 13, according to Mr. Austin. (A measure that would limit property taxes to 1.5 percent of assessed valuation and limit the annual increase in property valuation to 2 percent or the increase in the Consumer Price Index, whichever is less, narrowly failed being passed by voters last year. *(See Education Week, Sept. 22, 1982.)*

The pressure for tax reform is so great that last week Gov. Victor G. Atiyeh called a special session of the legislature to discuss state initiatives that could help avert such a movement. What the legislature does in its special session, school officials said, is not likely to bail out those districts with tax levies slated for this week. Some legislators have proposed introducing a state sales tax that would provide more money for schools.

Districts are making unusual efforts to ensure that their levies are approved this week. Some are cutting millions of dollars from proposed budgets to demonstrate fiscal responsibility, and others are sponsoring meetings and distributing pamphlets and information to draw attention to the importance of the tax-levy vote.

In Salem School District 24-J—the state's second largest district—a citizens' group calling itself the "Yes for Your Schools Committee" is campaigning door-to-door for the property-tax levy.

"This is a critical election. We don't want the same thing to happen in Salem that happened in Lincoln County," said Jean Kempe-Ware, communications coordinator for the 23,378-student district.

Salem schools will run out of funds "by the end of October" if voters do not approve the tax levy, Ms. Kempe-Ware said.

The Salem district has a permanent tax base, but it was established in 1917 and provides only $3.6 million for schools, Ms. Ware explained.

The district's proposed budget for 1983-84 is $73.1 million. Officials have cut a total of $2.5 million from the budget since May 17.

Some $1.7 million has been cut since the last tax-levy vote in August.

Programs affected by cuts include athletics, transportation, guidance, computer education, bilingual education, special education, middle-school supplies, and capital improvements, according to Ms. Kempe-Ware.

To please voters, the North Clakamas district has cut $2 million from its proposed $43.4-million budget. The district plans to defer maintenance costs, eliminate some student activities, cut transportation expenses, and reduce funding for instructional development and support.

Public High School Graduates and Nongraduates as a Percent of Ninth-Grade Enrollment, 1980-1981

State	1980-1981 graduates	Ninth Grade enrollments four years earlier	Graduates as a percent of 9th grade enrollment	Nongraduates as a percent of 9th grade enrollment
50 States and D.C.	2,724,564	3,779,486	72.1	27.9
Alabama	44,894	66,899	67.1	32.9
Alaska	5,343	7,779	68.7	31.3
Arizona	28,416	41,153	69.0	31.0
Arkansas	29,577	39,563	74.8	25.2
California	242,172	356,094	68.0	32.0
Colorado	35,869	46,902	73.5	23.5
Connecticut	38,369	53,970	71.1	28.9
Delaware	7,349	10,111	72.7	27.3
District of Columbia	4,846	8,886	54.6	45.4
Florida	88,755	139,272	63.7	36.3
Georgia	62,963	97,936	64.3	35.7
Hawaii	11,472	14,415	79.6	20.4
Idaho	12,679	16,509	76.8	23.2
Illinois	136,796	186,984	73.2	26.8
Indiana	73,381	97,440	75.3	24.7
Iowa	42,635	50,297	84.8	15.2
Kansas	29,367	36,510	80.5	19.5
Kentucky	41,714	62,003	67.3	32.7
Louisiana	46,199	72,900	63.4	36.6
Maine	15,554	21,795	71.4	28.6
Maryland	54,050	72,046	75.0	25.0
Massachusetts	74,831	97,423	76.8	23.2
Michigan	124,372	171,649	72.5	27.5
Minnesota	63,247	73,509	86.0	14.0
Mississippi	28,083	45,452	61.8	38.2
Missouri	60,359	81,548	74.0	26.0
Montana	11,634	14,364	80.9	19.1
Nebraska	21,411	26,325	81.3	18.7
Nevada	9,069	11,808	76.8	23.2
New Hampshire	11,552	14,989	77.1	22.9
New Jersey	93,168	121,501	76.7	23.3
New Mexico	17,934	24,947	71.9	28.1
New York	198,465	301,129	65.9	34.1
North Carolina	69,601	103,751	67.1	32.9
North Dakota	9,924	11,687	84.9	15.1
Ohio	143,503	182,955	78.4	21.6
Oklahoma	38,875	50,542	76.9	23.1
Oregon	28,629	40,744	70.3	29.7
Pennsylvania	144,645	183,933	78.6	21.4
Rhode Island	10,719	14,715	72.8	27.2
South Carolina	38,336	55,731	68.8	31.2
South Dakota	10,385	12,549	82.8	17.2
Tennessee	50,758	76,133	66.7	33.3
Texas	171,665	249,397	68.8	31.2
Utah	19,886	24,800	80.2	19.8
Vermont	6,424	8,510	75.5	24.5
Virginia	67,126	91,623	73.3	26.7
Washington	50,046	66,469	75.3	24.7
West Virginia	23,580	31,849	74.0	26.0
Wisconsin	67,743	82,264	82.3	17.7
Wyoming	6,161	7,706	80.0	20.0

Source: National Center for Education Statistics

9/27/83 R4800-2a

OKLAHOMA
A national homosexual organization is challenging in federal courts the constitutionality of a state law that permits schools to fire employees for engaging in or advocating certain homosexual activities.

See Page 5.

ARKANSAS
The governor has called a special session of the legislature to consider recommendations to upgrade the state's public schools and to vote on a new proposal that would raise taxes to pay for the improvements.

See Page 8.

FLORIDA
In a state where the rate of paddling exceeds the national average, a legislative task force is studying a 20-year-old law that authorizes corporal punishment for students and prevents local school officials and parents from limiting its use.

See Page 10.

EDUCATION WEEK

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'Comparable Worth' Tested in Major Pay-Equity Suit

Said Likely To Affect School Districts' Salary Practices

By Anne Bridgman

In what experts are calling the most significant court test to date of the concept of "comparable worth," a federal district judge ruled this month that the state of Washington was guilty of wage discrimination in paying women employees less than men performing similar kinds of work.

The decision, which the state plans to appeal, is likely, the experts say, to increase the use of the comparable-worth concept in job-evaluation schemes of private and public employers—including public-school systems—nationwide. Its importance, they say, lies in the fact that it goes beyond the notion of "equal pay for equal work" to require more subtle evaluations comparing the pay rates for similar, rather than exactly the same, kinds of jobs.

"You're not looking for sex discrimination *within* a job category, you're looking for sex discrimination *between and among* job categories," said Barbara Stein, a specialist in human and civil rights for the National Education Association (N.E.A.).

Impact Could Be Dramatic

The impact of applying that concept in education could be dramatic. In public schools, 90 percent of support-staff employees, including clerical and maintenance workers, are women, and approximately 27.5 percent of administrative staffs are women, according to figures from the American Federation of State and Municipal Employees (AFSCME) and the National Center for Education Statistics. Comparable figures for employees of private schools are not available, spokesmen for the Council for American Private Education and the National Association of Independent Schools said.

The Washington State case, which involves approximately 14,000 state employees, represents the first time a comparable-worth case involving that many workers has reached the federal courts. It was brought under Title VII of the Civil Rights Act of 1964 by the Washington Federation of State Employees and the American Federation of State, County, and Municipal Employees (AFSCME) Council 28 of A.F.L.-C.I.O. on behalf of many of the state's female employees who work in jobs dominated by women and of some male employees who also work in those jobs.

In his ruling on Sept. 16, Judge Jack E. Tanner set Nov. 14 as the date on which he will announce how much compensation the state should pay those workers. AFSCME is seeking four to five years' worth of back pay—about $500 million, according to George Masten, the federation's executive director. Winn Newman, who argued the case for AFSCME, estimates the state's compensation costs to be closer to $1 billion.

In their defense, state lawyers argued that Washington's wage scales reflect those in private industry. "All the [state's comparable-worth] studies have done is show that there is a difference [in salaries of male-dominated and female-dominated jobs]," said Richard Heath, the assistant attorney general who represented the state. "No studies were ever done to show what the difference is caused by."

But Judge Tanner rejected the state's contention, saying that "the evidence is overwhelming [that] there has been past historical discrimination in employment of women in the State of Washington and direct, overt, and institutionalized discrimination" in wages.

The case, *Washington Federation of State Employees—A.F.L.-C.I.O.—American Federation of State, County, and Municipal Employees* v. *Washington State*, will now go to the U. S. Court of Appeals for the Ninth Circuit and could reach the U. S. Supreme Court.

'Very Far-Reaching Effects'

"I think [the case will have] a fairly wide application" with "very far-reaching effects on schools and all employers," said Edith Barnett, a Washington, D. C., lawyer who worked on three Equal Pay Act cases at the Labor Department and served as an associate general counsel for AFSCME in 1981 and 1982.

"It breaks the back of the wage-discrimination issue," commented Mr. Newman, the plaintiffs' lawyer. "The same facts exist throughout the country with virtually every employer. It's *the* major decision in terms of what [wage discrimination] means to women."

Pay equity is "an issue that seems to be

Continued on Page 16

Commission Is Queried on Reform Costs

By Sheppard Ranbom

PHILADELPHIA—Members of the National Commission on Excellence in Education who met with education leaders and government officials from five states here last week were bombarded by questions about who would be responsible for implementing and paying for the reforms proposed by the commission.

Those attending the meeting praised the commission members for helping prepare the nation for education reform. But a number of administrators, school-board members, and state legislators warned that implementing recommendations to cut class size, extend the school year, raise teacher salaries, and establish merit-pay programs would cost millions of dollars that they do not have.

"Many changes will be costly, and much of the burden will fall on states already in a financial crunch. . . . States have only enough money to preserve essential services, not make improvements," said Lucille Maurer, a delegate to the Maryland General Assembly. Ms. Maurer noted that "there is a broad sweep for improvements, but not for taxes" to pay for them.

"Smaller classes, higher pay, and a longer year" carry a "hefty price tag," said Floretta D. McKenzie, superintendent of the District of Columbia Public Schools. She said that to decrease class size by one student would cost her school district $4 million per year.

THE DAILY PENNSYLVANIAN/TOM DONATUCCI

Governor du Pont; Secretary Bell

"The commission's silence on how to foot the bill leaves the question lingering," she said, noting that Japan and West Germany, America's strongest economic competitors, have a "strong national commitment" to education.

Noting that more than one-half of the students attending Philadelphia's public

Continued on Page 15

U.S.D.A. Barring Use by Schools Of Suspect Beef

'Precautionary' Move Affects Two Suppliers

By Susan Walton

WASHINGTON—Responding to a U. S. Agriculture Department ban on ground beef supplied by two plants to the federal school-lunch program, school officials last week took steps to make sure that the suspect product did not reach schoolchildren.

The Agriculture Department (U.S.D.A.) halted distribution of the 6.4 million pounds of hamburger on Sept. 20, following allegations that it "may have come from substandard cattle and may have been processed under less than sanitary conditions," according to a statement issued by Secretary of Agriculture John R. Block.

On Sept. 21, the Secretary took the additional step of barring the two firms from selling meat to the government.

As of late last week, however, the U.S.D.A. had found no evidence of a health threat and had received no reports of illness linked with the ground beef. Spokesmen described

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House Panel Told Aid Formula Slows School Integration

By Thomas Toch

WASHINGTON—Educators and researchers joined the chairman of the U. S. Commission on Civil Rights in asserting before a House panel last week that efforts to desegregate public schools have slowed considerably since the implementation of the education block-grants program a year ago.

The inclusion of the the Emergency School Aid Act of 1972 (ESAA), a categorical desegregation-aid program, in Chapter 2 of the Education Consolidation and Improvement Act of 1981 (E.C.I.A.) "has made it difficult, if not impossible, to ensure that equality of educational opportunity exists for all in the nation's schools," Clarence M. Pendleton Jr., chairman of the civil-rights commission, told the House Subcommittee on Intergovernmental Relations and Human Resources last week during an oversight hearing.

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THE WEEK

A SUMMARY OF NEWS AND EVENTS

IN SUMMARY

A Noisy Debate
Witnesses in the suit against New Jersey's moment-of-silence law disagreed sharply over its purpose and impact. **Story on Page 5.**

'Education for Tomorrow's Jobs'
A special committee of the National Academy of Sciences concludes that vocational education is in need of reform. **Story on Page 6.**

A Difficult Fight
That is the prospect for a proposal by an N.C.A.A. panel to make college freshmen ineligible for varsity sports. **Story on Page 6.**

A Successful Program
University researchers report that federal programs to combat juvenile delinquency appear to have worked. **Story on Page 8.**

The Labor Front (Cont.)
Lay teachers in New York City's Roman Catholic schools have walked out, and Chicago teachers have authorized a strike. **Story on Page 9.**

The Difficult Role of 'Miracle Worker'
Illinois superintendents say that they are not to blame for school problems and that schools have too much to do. **Story on Page 9.**

Lowering Expectations
Education is to receive fewer federal dollars in fiscal 1984 under a House appropriations bill approved last week. **Story on Page 11.**

A Long Way To Go
Less than 3 percent of the class of 1982 met the graduation requirements urged by the excellence commission. **Story on Page 12.**

An Alternative School in Harlem
A college and a school district are operating a new school that combines community service with academics. **Story on Page 13.**

Focus on 'Quality' Teaching
A citizens' task force in Connecticut has called for higher salaries and special rewards to attract and keep good teachers. **Story on Page 13.**

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FEDERAL

Senate Committee Approves Bill On Prayer Meetings

The Senate Judiciary Committee has approved a bill permitting public-school students to meet for prayer or Bible study in classrooms when school is not in session.

By an 11-to-4 vote, the committee on Sept. 15 endorsed a proposal by Senator Jeremiah Denton, Republican of Alabama, that would require schools to give student religious groups the same access to schoolrooms as is afforded secular clubs and organizations. The measure, S 1059, specifies that faculty members cannot take an active role in such gatherings.

Senate aides said the bill had not been scheduled for a vote by the full chamber as of late last week.

"The meetings can be Jewish, Muslim, students of any denomination," Senator Denton said. "The point is they have to be granted equal access, just like a drama club or anybody else."

Senator Joseph R. Biden, Democrat of Delaware, offered an amendment to the bill that would have limited its coverage to secondary schools, but the panel rejected his proposal by a 10-to-5 vote.

Senator Biden eventually voted in favor of the bill, but not before arguing that the Senate needs to inform "various groups groups around the country . . . about what they are and are not able to do" under the proposal.

On July 14, the committee sent to the full Senate, without recommendation, two proposed constitutional amendments regarding school prayer.

One of those proposals, sponsored by Senator Orrin G. Hatch, Republican of Utah, contains language similar to that in the bill approved earlier this month.

Justice Department Appoints Task Force On Family Violence

A task force to study the problems of family violence was appointed this month by Attorney General William French Smith.

The Task Force on Family Violence will hold national hearings on topics such as child and spouse abuse and mistreatment of the elderly. It is expected to deliver a report to the Justice Department within six months.

The nine-member panel is headed by William Hart, Detroit's chief of police, and includes: John Ashcroft, attorney general of Missouri; Ann Burgess, associate director for nursing research at Boston City Hospital; Newman Flanagan, district attorney of Suffolk County, Mass.; Ursula Meese, a delegate to the United Nations Commission on the Status of Women; Catherine Milton of Palo Alto, Calif., an assistant to the president of Stanford University; Clyde Narramore, a licensed psychologist and marriage counselor in Los Angeles; Reuben Ortega, chief of police in Phoenix; Frances Seward of Jamaica, N. Y., safety director of the Jamaica Service Program for Older Adults.

Clarification

High School: A Report on Secondary Education in America, excerpted in the Sept. 21, 1983, issue, is available for $15 from Harper and Row Publishers, Keystone Industrial Park, Scranton, Pa. 18512.

Title I Audit Dispute Won by Kentucky

A federal appeals court has ruled that the U. S. Education Department improperly ordered Kentucky officials in 1982 to refund $338,000 in funds for the education of disadvantaged children that were allegedly misspent in 1974.

The U.S. Court of Appeals for the Sixth Circuit, hearing the case on direct appeal, said on Sept. 14 that it was "unfair" of the department to penalize the state "where there is no evidence of bad faith and the Commonwealth's program complies with a reasonable interpretation of the law."

The case stemmed from a federal auditor's determination in 1974 that the state was in violation of a provision in Title I of the Elementary and Secondary Education Act of 1965 that requires states to use federal funds to supplement, and not supplant, state and local funds to meet the needs of students from low-income families.

Senate Committee Delays Action on Civil-Rights Panel

The Senate Judiciary Committee has once again postponed action on two key measures related to the U.S. Commission on Civil Rights.

On Sept. 15, the committee had been scheduled to vote on President Reagan's three nominees to the bipartisan, rights-monitoring agency. Senate aides said the committee's Republican leaders cancelled the session after determining that they did not have enough votes to ensure approval of all three nominees.

The committee's leaders rescheduled the vote on the nominations for Sept. 22, only to cancel it for a second time. Committee aides said the panel has rescheduled action on the nominations for Sept. 28 and 29.

Also pending before the panel's Subcommittee on the Constitution is a measure to extend the life of the civil-rights agency. Without Congressional action, the 26-year-old commission will go out of business on Sept. 30.

The subcommittee was set to act on the bill reauthorizing the commission on Sept. 16, but that session was cancelled and has yet to be rescheduled. The Republican chairman of the full committee, Senator Orrin G. Hatch of Utah, has indicated on several occasions that he would delay action on the reauthorization measure pending action on the Presidential nominations.

A bill that would extend the life of the panel for five years and permit the removal of its members only for neglect of duty or misconduct in office has already been passed by the House. That measure is pending in the full Senate and can be called up for action at any time.

Administration Seeks Abolition of Rights Deadlines

The Reagan Administration told a federal appeals court last week that U. S. District Judge John H. Pratt's oversight of the Education and Labor Departments' civil-rights activities violates the constitutional principle of separation of powers.

The papers filed by the Administration with the court last week marked the latest step in *Adams* v. *Bell* and *Women's Equity Action League* v. *Bell*, a pair of lawsuits often described as the most important litigation pending against the government for failure to enforce civil-rights laws.

In 1977, Judge Pratt ordered the departments to determine within 90 days of receiving a complaint whether a civil-rights violation has occurred at a school or college. During the following 90 days, they must try to negotiate a settlement with officials at the institution, and if those negotiations fail, the departments have another 30 days to launch enforcement procedings.

In August 1982, the Administration filed a motion with Judge Pratt requesting that he phase out the "unworkable, inflexible, and unrealistic" time frames over a period of two years. Last March, however, he upheld his earlier order and handed down a new one demanding that the departments speed up their standing investigations of race, sex, and handicap bias in educational institutions.

"Perhaps the best evidence that the time frame orders are unworkable and not feasible is the sorry record of statistical compliance with them through 12 cabinet secretaries, 10 directors of [the Education Department's office for civil rights], and 4 directors of [the Labor Department's office of federal contract compliance programs]," the Administration told the appeals court.

"Instead of a prod to better performance, the orders have become essentially a punitive device," it continued. "In these circumstances, there is ample justification for vacating [Judge Pratt's 1977 order] and allowing the agencies to start over."